

## **BILL ANALYSIS**

H.B. 4486  
By: Guillen  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The legislature recently enacted legislation relating to early identification and notification procedures regarding in-custody defendants who are suspected of having a mental illness or being a person with an intellectual disability. However, these procedures only apply to defendants who are charged with Class B misdemeanors or higher level offenses. Concerns have been raised that this results in unequal treatment and protections for defendants who are charged with fine-only offenses but still placed in jail. H.B. 4486 seeks to address these concerns by extending those procedures to any in-custody defendant.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 4486 amends the Code of Criminal Procedure to extend the requirement for a sheriff or municipal jailer having custody of certain defendants, on receiving credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, to provide notice to the magistrate not later than 12 hours after receiving that information to a defendant who has been arrested for any category of offense.

H.B. 4486 limits to a defendant charged with a felony or with a misdemeanor punishable by confinement the requirement for a magistrate's written report of an interview of a defendant suspected of having mental illness or being a person with an intellectual disability to include information regarding whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination. The bill also limits a court's authority to order an examination regarding a defendant's competency to stand trial before, during, or after the interview and information collection to a defendant charged with a felony or with a misdemeanor punishable by confinement.

### **EFFECTIVE DATE**

September 1, 2021.